

Docket No.: 0010-1057-0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
YOSHIHIRO USUDA ET AL : EXAMINER: FRONDA, C. L.
SERIAL NO. : 09/441,055 :
FILED: NOVEMBER 16, 1999 : GROUP ART UNIT: 1652
FOR: METHOD FOR PRODUCING L-METHIONINE BY FERMENTATION

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Notice of Non-Compliant Appeal Brief mailed on July 21, 2008, Applicants submit herewith a new section (III) entitled "Status of Claims". On the basis of this newly submitted section, Applicants respectfully request entry and consideration of the Appeal Brief filed on July 7, 2008. On the basis of this consideration, Applicants submit that the rejections of record should be withdrawn and this application passed to allowance.

III. Status of Claims

Claims 31, 35, and 41-59 are the only claims pending in the above-identified application and appear in the attached Claims Appendix.

Claims 1-30, 32-34, and 36-40, whether original or added during prosecution, were canceled during prosecution of this application.

No claims currently stand withdrawn.

No claims currently stand objected.

No claims currently stand allowed.

Claims 31, 35, and 41-59 stand rejected.

Claims 31, 35, and 41-59 are appealed herein.

VIII. CONCLUSION

For the reasons set forth in the Appeal Brief filed on July 7, 2008, Claims 31, 35, and 41-59 are *not* unpatentable over Michaeli et al in view of the combined disclosures of Greene and Park et al. Therefore, the Examiner's rejections should be REVERSED.

Respectfully submitted,

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